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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Kent Christensen, *et al.*,

10 Plaintiffs,

11 v.

12 Leann Renee Galliway, *et al.*,


13 Defendants.  
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No. CV-23-08509-PCT-JJT

**ORDER**

15 At issue is Plaintiffs' Second Amended Complaint (Doc. 36, "Compl."). Federal  
16 courts are limited in the types of cases they can hear. The two most common exercises of  
17 subject matter jurisdiction involve either a controversy between citizens of different states  
18 (diversity jurisdiction) or a question of federal law (federal question jurisdiction). *See*  
19 28 U.S.C. §§ 1331, 1332. Here, Plaintiffs assert diversity jurisdiction, stating that "the  
20 amount in controversy, without interest and costs, exceeds the [statutory] sum or value."  
21 (Compl. ¶ 2.1.) When assessing the amount in controversy for the purposes of diversity  
22 jurisdiction, the alleged damages must be taken from the face of the complaint. *St. Paul*  
23 *Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938). But Plaintiffs' Complaint  
24 does not allege an amount of damages at all. Plaintiffs' statement that the amount in  
25 controversy exceeds the statutory minimum is nothing more than a legal conclusion  
26 couched as a factual allegation, which the Court is not bound to accept as true. *See Ashcroft*  
27 *v. Iqbal*, 566 U.S. 662, 678 (2009). Therefore, the Court will order Plaintiffs to show cause  
28 why this case should not be dismissed for lack of subject matter jurisdiction.

**IT IS HEREBY ORDERED** that Plaintiffs show cause in writing within seven days of the date of this Order why this case should not be dismissed for lack of subject matter jurisdiction.

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Honorable John J. Tuchi  
United States District Judge